

**BARBERING AND COSMETOLOGY EXAMINING BOARD  
MINUTES  
JUNE 7, 2004**

**PRESENT:** Leon Lauer, Laura Jenkins, Mary Blake, Lee Martinez, and Marvile Martin

**EXCUSED:** Janice Boeck

**STAFF PRESENT:** Jerry Lowrie, Bureau Director, John Schweitzer, Legal Counsel, and Aaron Walters, Recorder

**GUESTS:** Barb Schuler WTCS, Nancy Paggan, Mary Kiley, NCAWI, Audrey Sann, NCAW, Ashley Christjohn, SCBC, Monica Mueller, SCBC, Lynn Wilson, SCBC, Nicki Niewolny, SCBC, Sarah Mitchell, WCTC, Anita Regan, L.E., Marvin Rushing, VICI, Jan Studesville, Just Nails.

**CALL TO ORDER**

Leon Lauer, Chair, called the meeting to order at 9:34 a.m. A quorum of 5 members was present.

**AGENDA**

**MOTION:** Laura Jenkins moved, seconded by Marvile Martin, to approve the agenda as written. Motion carried unanimously.

**MINUTES OF APRIL 5, 2004**

**MOTION:** Mary Blake moved, seconded by Lee Martinez, to approve the minutes of April 5, 2004 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT - JERRY LOWRIE, BUREAU DIRECTOR  
BOARD ROSTER**

Mary Blake - Change phone number to (B) (920) 436-7440 Ext 465  
Mr. Lowrie reported that there are still three vacancies on the Board.

**2004 MEETING DATES**

The Board will meet on August 2, 2004 at 9:30 a.m.  
The Continuing Education Committee will meet on August 2, 2004 at 8:30 a.m.

**TO-DO-LIST**

Noted.

**SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND  
ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

**TRAVEL  
78<sup>TH</sup> ANNUAL CONFERENCE OF THE NATIONAL ASSOCIATION OF BARBER BOARD OF  
AMERICA, SILVER LEGACY, RENO, NEVADA, SEPTEMBER 19-23, 2004.**

Leon Lauer will be attending the 49<sup>th</sup> Annual Conference of the National Interstate Council of State Boards of Cosmetology in Richmond VA on August 28, 30, 2004.

The Board discussed alternating between the National Association of Barber Boards of America and the National Interstate Council of State Boards of Cosmetology. A Board member will not be attending the 78<sup>th</sup> Annual Conference of the NABBA at Reno Nevada on September 19-23, 2004 but will be attend the 79<sup>th</sup> Annual Conference of NABBA.

**CONTINUING EDUCATION COMMITTEE MEETING REPORT**

John Schweitzer reported that the Continuing Education Committee did not meet due to the lack of quorum. Dr. Barbara Showers was prepared to present to the Committee information on some of the practical details in implementing continuing education.

Dr. Showers reported on some of the issues that will need to be discussed before proceeding to finalize rules and implement CE.

1. What are the criteria for approval of the providers of CE. Who may offer it?
2. Must individual courses also be approved?
3. What are the criteria for the courses? What is approvable?
4. Attendance monitoring requirements?
5. No product sales during the course?
6. Instructor qualifications needed?
7. Courses must be available to all licenses, however, a course may be limited to one license type only, or limited by class size?
8. Subcontractors, if any, must be identified in the CE application?
9. Term of course approval coincides with biennium?
10. Advertising rules desirable: Promotional materials must identify the approved sponsor, the total course length, and the number of approved CE hours? Subcontractors may be mentioned as presenters, but materials may not imply that they are the approved provider?
11. Possible hearing process on denials(?)
12. Only accept pre-approved courses?
13. Waivers for military service, hardships, a possible waiver for compliance with CE requirements in state of residence if not Wisconsin? Waiver for biennium when license is first issued?
14. Guidelines for reentry by inactive licensees – must complete a biennium of CE to reactivate license?

The Board will need to decide on what the continuing education requirements should be so the rules regarding continuing education are specific.

Dr. Showers reported that approving the providers would be a faster and easier process than approving each individual course. Specifying the content of CE would require a course approval process and posting a list of approved courses on the Departments website. Dr. Showers stated that the requirement of six hours on safety and sanitation would be hard to develop and could cover many subjects. The Board discussed adding law and possibly lowering the required CE hours to 4 hours.

Mr. Schweitzer reported that the draft language in BC 9.02(7) states that continuing education does not apply to any person who was licensed by the Board prior to July 1, 1985.

The Board would like to refer the discussion on Continuing Education back to the Committee.

**MOTION:** Lee Martinez moved, seconded by Marvile Martin, to refer the continuing education discussion back to the Committee for a recommendation to the Board. Mary Blake voted no and Laura Jenkins voted no. Motion tied. Leon Lauer voted yes and broke the tie. Motion carried.

### **CURRICULUM ADVISORY COMMITTEE MAY 3, 2004**

Leon Lauer reported on the Curriculum Advisory Committee meeting on May 3, 2004. The Committee is looking at reintroducing men's hair cutting into the schools and looking at a number of other issues to see what the schools are currently teaching. Salons have complained that they are having a hard time finding people trained in men's or ethnic haircutting and other issues.

The Board reviewed a questionnaire the Department mailed to all Barbering and Cosmetology schools. The Committee members will be conducting on-site visits to these schools.

Laura Jenkins appreciated the effort and hard work from the Department and the Committee in putting the questionnaire together and stated that the questionnaire was well done.

### **ADMINISTRATIVE RULES CONTINUING EDUCATION RULE**

John Schweitzer reviewed the draft language for BC 9 continuing education with the Board and reported on two separate scope statements that are replacing a previous scope statement to create more efficiency. Waxing, manager's responsibilities, and other minor changes is one scope statement and microdermabrasion and chemical peels is the second scope statement. The Board reviewed and approved the language in both scope statements.

**MOTION:** Laura Jenkins moved, seconded by Marvile Martin, to approve the draft language under BC 9 for continuing education. Motion carried unanimously.

**MOTION:** Laura Jenkins moved, seconded by Mary Blake to approve the separation of one scope statement into two separate scope statements and adopt the language in

waxing, manager's responsibilities, and other minor changes and microdermabrasion and chemical peels scope statements. Motion carried unanimously.

### **MISCELLANEOUS RULE CHANGES**

Mr. Schweitzer and the Board reviewed and discussed language changes to the BC Administrative Rules and made additional changes and deletions to the draft language.

The Board discussed Wisconsin's reciprocal agreements with other states. Currently Wisconsin does not use the reciprocal agreement mentioned under BC 8.02. Surrounding states review each applicant on an individual basis.

The Board discussed why reciprocity applicants were not receiving a Wisconsin statutes and codebook when they apply for a credential in Wisconsin. The Board would like credential holders to be aware of the rules of Wisconsin and the Department regarding their profession. The Board discussed the possibility of reciprocity applicants being required to complete an open-book examination on Wisconsin Statutes and Administrative Code.

The Board will discuss rule changes, reciprocity issues with other states, and a possible open-book examination requirement for reciprocal candidates at the next Board meeting.

**MOTION:** Laura Jenkins moved, seconded by Marvile Martin, to approve the draft language for miscellaneous rule changes as discussed. Motion carried unanimously.

### **MICRODERMABRASION**

No discussion.

### **EXAMINATION AND EDUCATION EVALUATION OF OTHER STATE TRAINING – DARWIN TICHENOR**

Mr. Tichenor brought before the Board an issue concerning a candidate who received training from an out-of-state school and is unlicensed. Wisconsin's current policy is if an applicant does not qualify for reciprocity, the applicant is required to take the state board examination (written and practical) to obtain a Wisconsin license. To qualify for the examination, an evaluation by a Wisconsin barbering and cosmetology school is required to determine if the previous education is equivalent to our current educational requirement. According to statutes, Ch. 454.07(3) and 456.06 applicants for the examination have to complete a course of instruction in a school of barbering or cosmetology licensed by Wisconsin. The school would grant credit for previous training toward the fulfillment of the school's graduation requirement.

It is the responsibility of the school, not the Barbering and Cosmetology Examining Board, to determine if the applicant has satisfied the minimum educational requirement. The method of evaluation, used by the school, is not defined by statute or rule to determine that the minimum

educational requirement has been satisfied. Once the applicant has satisfied the entrance requirements for the examination the school must complete a "Certification of Training" form for Wisconsin's contracted testing service, Continental Testing Services (CTS).

The Board will review the rules regarding candidates trained in out-of-state schools. Mr. Tichenor will retrieve a copy of the schools policy for evaluating an unlicensed candidate who has received training from an out-of-state school for the next Board meeting.

### **NIC PASS/FAIL STATISTICAL REPORT – SCHROEDER MEASUREMENT TECHNOLOGIES**

Darwin Tichenor reported on 2003 year-end cosmetology and related examination pass/fail statistical reports in connection with National-Interstate Council of State Boards of Cosmetology (NIC) examination program. The Department currently uses NIC for manicurist and aestheticians exams. Mr. Tichenor reviewed the pass/fail rates on these exams with the Board and pointed out the fail rate for foreign candidates. These candidates may be having a problem with the written language, although translators are available upon request.

### **PRACTICE ISSUES – LEGAL COUNSEL REVIEW HERBAL BODY WRAPS CORRESPONDENCE – ALISON GUSTAFSON LETTER**

Mr. Schweitzer discussed correspondence regarding detoxifying herbal body wraps. Conducting a body wrap for beautification purposes requires a person to hold an aesthetician license, a body wrap for relaxation or as part of massage therapy requires a person to be certified as a massage therapist or bodyworker.

### **IMAGINAIL – PRODUCT INFORMATION**

The Board discussed a new product called ImagiNail, and if a person would have to be a licensed manicurist to use ImagiNail. If the procedure is completed in a salon, the person would need a license as it would be considered nail enhancement.

### **VASCULAR 300 – PRODUCT INFORMATION**

The Board reviewed and discussed the "Vascular 300, First in the Removal of Telangiectasia (Spider Veins) and other Vascular Blemishes. The Vascular 300 is used for the clinical removal of telangiectasia (spider veins), cherry angiomas, couperose veins, broken capillaries and other vascular lesions found on the face and upper body. The vascular 300 has a probe that just touches the skin.

The Board discussed whether a person using the vascular 300 would be required to be a licensed electrologist or whether a person licensed as a barbering and cosmetologist could use the vascular 300. The definition of electrology indicates electric needle and the Vascular 300 has an electric probe. If it invades the skin an electrologist license is required, if it just touches the skin a barbering and cosmetologist could use it. The Board would like more information on the vascular 300 from the company.

**NATIONAL ACCREDITING COMMISSION OF COSMETOLOGY ARTS AND SCIENCES  
2004 CALL FOR NOMINATIONS.**

The Board did not make a nomination.

**NEW BUSINESS**

The Board discussed two items for future discussion and noted that the Department has received many complaints and investigation requests on licensed manicurist. Currently manicurists are required to complete 300 training hours.

1. Make manicurist more proficient by increasing the number of training hours.
2. Testing applicants in the State of Wisconsin and not outsourcing the testing procedure to another state "Continental Testing".

The Board requested that item 2 be included on the next agenda, invite Dr. Showers, and have this issue resolved prior to the next contract renewal date for Continental Testing.

**BOARD MEMBER ACTIVITY**

None.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR  
ANY THAT MAY BE SUBMITTED AFTER PRINTING OF THE AGENDA.**

None.

**VISITORS COMMENTS**

None.

**CLOSED SESSION**

**MOTION:** Laura Jenkins moved, seconded by Mary Blake , to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Leon Lauer-yes, Marvile Martin-yes, Janice Boeck-yes, Laura Jenkins-yes, and Mary Blake-yes.

Open session recessed at 11:12 a.m.

The Board deliberated on monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests and case status reports.

**RECONVENE INTO OPEN SESSION**

**MOTION:** Laura Jenkins moved, seconded by Marvile Martin, to reconvene into open session at 11:35 a.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MONITORING REPORT**

None.

**CASE CLOSINGS**

**MOTION:** Marvile Martin moved, seconded by Laura Jenkins, to close the following cases:  
01 BAC 077 for prosecutorial discretion (P5).  
02 BAC 037 for prosecutorial discretion (P5).  
03 BAC 087 insufficient evidence.  
02 BAC 105 for prosecutorial discretion (P5).  
02 BAC 112 for prosecutorial discretion (P5).  
Motion carried unanimously.

**STIPULATIONS**

**MOTION:** Laura Jenkins moved, seconded by Marvile Martin, to adopt the Findings of Fact, Conclusions of Law, Order and stipulation for all stipulations presented in closed session. Motion carried unanimously.

**TRI NGUYEN 03 BAC 023**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Tri Nguyen 03 BAC 023**. Motion carried unanimously.

**BACH HAN, THU PHUONG CAO D/B/A NAIL ARTS 03 BAC 023**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Bac Han, Thu Phuong Cao d/b/a Nail Arts 03 BAC 023**. Motion carried unanimously.

**GLORIA DOWELL 02 BAC 121**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Gloria Dowell 02 BAC 121**. Motion carried unanimously.

**PHILLIP R. GRAY, JR. 02 BAC 050**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Phillip R. Gray, Jr. 02 BAC 050**. Motion carried unanimously.

**PAUL COOPER D/B/A TIGHT AGAIN SALON 02 BAC 050**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Paul Cooper d/b/a Tight Again Salon 02 BAC 050**. Motion carried unanimously.

**NGAN K. LE & HOLLYWOOD NAILS 02 BAC 055, 03 BAC 036**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Ngan K. Le & Hollywood Nails 02 BAC 055, 03 BAC 036**. Motion carried unanimously.

**MY T. LE, MYLES NAILS & 007 NAILS 02 BAC 008, 02 BAC 009, 03 BAC 097**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **My T. Le, Myles Nails & 007 Nails 02 BAC 008, 02 BAC 009, 03 BAC 097**. Motion carried unanimously.

**MADDIE TURNER, SR. EBONY II TOTAL LOOK, EBONY III BEAUTY SALON  
02 BAC 134, 02 BAC 135**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Maddie Turner, SR. Ebony II Total Look, Ebony III Beauty Salon 02 BAC 134, 02 BAC 135**. Motion carried unanimously.

**EXCELL IBN NAJIEB, EXCELL'S HOUSE OF STYLE 01 BAC 022**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Excell IBN Najieb, Excell's House of Style 01 BAC 022**. Motion carried unanimously.

**NAIL FIRST, PETER B. NGUYEN 03 BAC 092**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Nail First, Peter B. Nguyen 03 BAC 092**. Motion carried unanimously.



**HUNG VAN NGUYEN D/B/A USA NAIL SALON 02 BAC 133**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Hung Van Nguyen D/B/A USA Nail Salon 02 BAC 133**. Motion carried unanimously.

**ADMINISTRATIVE WARNING  
HOLLY J. CZECH 02 BAC 130**

**MOTION:** Laura Jenkins moved, seconded by Marvile Martin, to approve the Administrative Warning as written in the matter concerning **Holly J. Czech 02 BAC 130**. Motion carried unanimously.

**EXAMINATION ISSUES  
APPLICATIONS  
REINSTATEMENT REQUESTS**

None.

**NEW BUSINESS**

John Schweitzer will be moving from the Office of Legal Counsel to the Division of Enforcement. The Board commented on Mr. Schweitzer's dedication to the Board, his great command of the language, his professionalism, and thanked Mr. Schweitzer for all his hard work.

**ADJOURNMENT**

**MOTION:** Lee Martinez moved, seconded by Mary Blake to adjourn the meeting at 11:40 a.m. Motion carried unanimously.

**NEXT MEETING: AUGUST 2, 2004**

**Agenda Items for August 2, 2004**

- Contract for Continental Testing – Barbara Showers
- Rule Changes
- Reciprocity issues with other jurisdictions
- Open-book examination requirement for reciprocity candidates
- Schools policy regarding evaluations of out-of-state unlicensed candidates
- Vascular 300 – update - information from company
- Increase training hours for manicurist

**Minutes prepared by Pat Schenck 9/17/2004 - 1:18 PM**